

### **REMARKS**

Claims 12-13 and 17 are pending in this application, of which claims 12 and 17 have been amended. No new claims have been added.

#### **I. FORMAL MATTERS**

Claims 12, 13 and 17 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

In a telephone interview with the Examiner conducted on July 31, 2008, it was agreed that if the recited term "exercise machine" were changed to the term "fitness tool" disclosed in the specification, and the various species of "fitness tools" disclosed in the specification be listed in claims 12 and 17 as a Markush Group, this rejection could be overcome.

Accordingly, claims 12 and 17 have been so amended, and the 35 U.S.C. §112, first paragraph, rejection should be withdrawn.

#### **II. PRIOR ART REJECTION**

Claims 12-13 and 17 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,578,808 to **Taylor**

Applicant respectfully traverses this rejection.

In the Office Action, the Examiner indicated that this rejection could be overcome by claiming one or more of the exercise tool species disclosed on page 15 of the specification as a Markush group.

Accordingly, as noted above, claims 12 and 17 have been so amended, and the 35 U.S.C. §102(b) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 12-13 and 17, as amended, are in condition for allowance, which action, at an early date, is respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

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Respectfully submitted,

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